



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/718,948	
	Filing Date	November 20, 2003	
	First Named Inventor	Feng YING	
	Art Unit	1617	
	Examiner Name	S. Jiang	
Total Number of Pages in This Submission	16	Attorney Docket Number	219002034200

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Fee Transmittal (1 page + duplicate for fee processing) Copy of the executed substitute Declaration (5 pages) Supplemental ADS (4 pages) Copy of the executed Consent of Assignee (2 pages) Return Receipt Postcard		
<table border="1"><tr><td>Remarks</td><td>Customer No. 25225</td></tr></table>			Remarks	Customer No. 25225
Remarks	Customer No. 25225			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James J. Mullen III, Ph.D.		
Date	May 12, 2006	Reg. No.	44,957

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 12, 2006

Signature: (Grace Yu)

DAC
JFW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 12, 2006

Signature: _____

(Grace Yu)

Docket No.: 219002034200
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MS Patent Application of:
Feng YING et al.

Application No.: 10/718,948

Confirmation No.: 3325

Filed: November 20, 2003

Art Unit: 1617

For: METHOD FOR COUNTERACTING A
PATHOLOGIC CHANGE IN THE BETA-
ADRENERGIC PATHWAY

Examiner: S. Jiang

PETITION UNDER 37 C.F.R. §1.182

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the inventorship of the above-captioned patent application be corrected to reflect the proper name for the first listed inventor: Ying FENG. The inventorship error occurred without deceptive intention on the part of the named inventors.

In support of this request, an executed Substitute Declaration with the corrected name, and consent of Assignee are enclosed. The required fee of \$400.00 is authorized to be charged to **Deposit Account 03-1952**. Fee Transmittal (form PTO/SB/17) is enclosed in duplicate for that purpose.

05/16/2006 TBESHAH1 00000017 031952 10718948

01 FC:1462 400.00 DA

The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed Substitute Declaration.

sd-315793

In the event the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 219002034200.

Dated: May 12, 2006

Respectfully submitted,

By 

James J. Mullen III, Ph.D.

Registration No.: 44,957

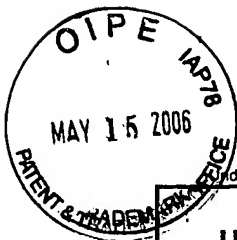
MORRISON & FOERSTER LLP

12531 High Bluff Drive

Suite 100

San Diego, California 92130-2040

(858) 720-7940



PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/718,948
	Filing Date	November 20, 2003
	First Named Inventor	Feng YING
	Art Unit	1617
	Examiner Name	S. Jiang
	Attorney Docket Number	219002034200

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
☐ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.
☐ Check in the amount of \$ _____ is enclosed.
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

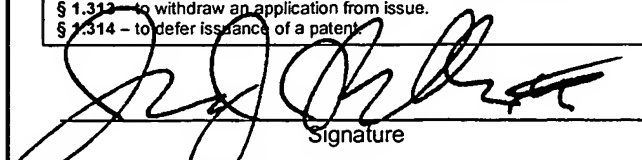
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.312 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.



Signature
James J. Mullen III, Ph.D.

Typed or printed name

May 12, 2006
Date

44,957
Registration No., if applicable



**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	METHOD FOR COUNTERACTING A PATHOLOGIC CHANGE IN THE BETA-ADRENERGIC PATHWAY
<p>As the below named inventor(s), I/we declare that:</p> <p>This declaration is directed to:</p> <p><input type="checkbox"/> The attached application, or</p> <p><input checked="" type="checkbox"/> Application No. <u>10/718,948</u>, filed on <u>November 20, 2003</u>, <input type="checkbox"/> as amended on _____ (if applicable);</p> <p>I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;</p> <p>I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;</p> <p>I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.</p> <p>All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.</p>	

FULL NAME OF INVENTOR(S)	
Inventor one:	<u>Ying FENG</u>
Signature: <u><i>Ying Feng</i></u>	Citizen of: <u>US</u>
Inventor two:	<u>Linda S. HIGGINS</u>
Signature: _____	Citizen of: <u>US</u>
Inventor three:	<u>Ann M. KAPOUN</u>
Signature: _____	Citizen of: <u>US</u>
Inventor four:	<u>David Y. LIU</u>
Signature: _____	Citizen of: <u>US</u>
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on <u>1</u> additional form(s) attached hereto.	

Attorney Docket No. 219002034200



**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
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FULL NAME OF INVENTOR(S)	
Inventor one:	<u>Ying FENG</u>
Signature: _____	Citizen of: <u>US</u>
Inventor two:	<u>Linda S. HIGGINS</u>
Signature: <u><i>Linda S. Higgins</i></u>	Citizen of: <u>US</u>
Inventor three:	<u>Ann M. KAPOUN</u>
Signature: _____	Citizen of: <u>US</u>
Inventor four:	<u>David Y. LIU</u>
Signature: _____	Citizen of: <u>US</u>
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Signature: _____	Citizen of: <u>US</u>
Inventor two:	<u>Linda S. HIGGINS</u>
Signature: _____	Citizen of: <u>US</u>
Inventor three:	<u>Ann M. KAPOUN</u>
Signature: <u><i>Ann M. Kapoun</i></u>	Citizen of: <u>US</u>
Inventor four:	<u>David Y. LIU</u>
Signature: _____	Citizen of: <u>US</u>
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Attorney Docket No. 219002034200



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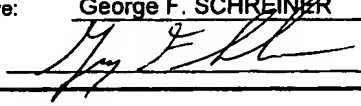
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I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;	
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FULL NAME OF INVENTOR(S)	
Inventor one:	<u>Ying FENG</u>
Signature: _____	Citizen of: <u>US</u>
Inventor two:	<u>Linda S. HIGGINS</u>
Signature: _____	Citizen of: <u>US</u>
Inventor three:	<u>Ann M. KAPOUN</u>
Signature: _____	Citizen of: <u>US</u>
Inventor four:	<u>David Y. LIU</u>
Signature: <u>David Y. Liu</u>	Citizen of: <u>US</u>
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on <u>1</u> additional form(s) attached hereto.	

Attorney Docket No. 219002034200

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)	ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of 1
Inventor five: <u>George F. SCHREINER</u> Signature: <u></u> Citizen of: <u>US</u>	
Inventor six: _____ Signature: _____ Citizen of: _____	
Inventor seven: _____ Signature: _____ Citizen of: _____	
Inventor eight: _____ Signature: _____ Citizen of: _____	
Inventor nine: _____ Signature: _____ Citizen of: _____	
Inventor ten: _____ Signature: _____ Citizen of: _____	
Inventor eleven: _____ Signature: _____ Citizen of: _____	
Inventor twelve: _____ Signature: _____ Citizen of: _____	
Inventor thirteen: _____ Signature: _____ Citizen of: _____	
Inventor fourteen: _____ Signature: _____ Citizen of: _____	
Inventor fifteen: _____ Signature: _____ Citizen of: _____	



Docket No.: 219002034200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Feng YING et al.

Application No.: 10/718,948

Confirmation No.: 3325

Filed: November 20, 2003

Art Unit: 1617

For: METHOD FOR COUNTERACTING A
PATHOLOGIC CHANGE IN THE BETA-
ADRENERGIC PATHWAY

Examiner: S. Jiang

CONSENT OF ASSIGNEE FOR REQUEST TO CORRECT INVENTORSHIP

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Scios, Inc., a corporation, certifies under 37 C.F.R. § 3.73(b) that it is assignee of the entire right, title and interest in the above-referenced patent application by virtue the assignment recorded in the Patent and Trademark Office at Reel 017406, Frame 0899, on April 3, 2006. Scios, Inc. is fully aware of the Request to Correct Inventorship to amend the first inventor's name from Feng YING to Ying FENG. Accordingly, Scios, Inc. consents to the change in inventorship.

The undersigned has reviewed all documents in the chain of title of the above-referenced patent application. To the best of undersigned's knowledge and belief, the title is in the name of Scios, Inc.

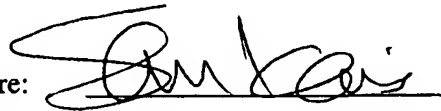
The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee, Scios, Inc.

sd-310741

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SCIOS, INC.

Signature:



Name:

SAMUEL M. KAIS

Title:

SENIOR Patent Counsel

Date:

4/26/2006



Supplemental Application Data Sheet

Application Information

Application number::	10/718,948
Filing Date::	11/20/03
Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	1614
CD-ROM or CD-R?::	Listing
Sequence submission?::	Paper
Computer Readable Form (CRF)?::	Yes
Number of copies of CRF::	1
Title::	METHOD FOR COUNTERACTING A PATHOLOGIC CHANGE IN THE BETA- ADRENERGIC PATHWAY
Attorney Docket Number::	219002034200
Request for Early Publication?::	No
Request for Non-Publication?::	No
Total Drawing Sheets::	28
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Feng-Ying
Family Name::	YING-FENG
City of Residence::	Sunnyvale
State or Province of Residence::	CA
Country of Residence::	US

Street of mailing address:: 853 Markham Terrace
City of mailing address:: Sunnyvale
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94086

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Linda
Middle Name:: S.
Family Name:: HIGGINS
City of Residence:: Palo Alto
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: 3610 Louis Road
City of mailing address:: Palo Alto
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94303

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Ann
Middle Name:: Marie
Family Name:: KAPOUN
City of Residence:: Palo Alto
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: 2975 Ramona Street
City of mailing address:: Palo Alto
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94306

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: David
Middle Name:: Y.
Family Name:: LIU
City of Residence:: Palo Alto
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: 201 Ferne Avenue
City of mailing address:: Palo Alto
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94306

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: George
Middle Name:: F.
Family Name:: SCHREINER
City of Residence:: Los Altos
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: 12774 Leander Drive
City of mailing address:: Los Altos
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94022

Correspondence Information

Correspondence Customer Number:: 25225

Representative Information

Representative Customer Number:: 25225

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	An application claiming the benefit under 35 USC 119(e)	60/429,046	11/22/2002
This Application	An application claiming the benefit under 35 USC 119(e)	60/504,585	09/18/2003

Foreign Priority Information**Assignee Information**

Assignee name:: Scios, Inc.
Street of mailing address:: 6500 Paseo Padre Parkway
City of mailing address:: Fremont
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94555